

Appl. No. : 09/836,436
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nucleic acid insert and said dysfunctional selection marker is restored to a functional one;
and,

selecting the successfully restored selection marker based upon growth of a host containing the successfully recombined vector that allows the host to grow or be identified in a selective environment.

55. (Amended) A method for cloning a nucleic acid insert into a vector comprising:

providing a nucleic acid insert flanked by first and second adapter sequences that is adapted for recombining with homologous sequences in a vector, and wherein the vector includes a negative selection element detrimental to cell growth;

contacting the nucleic acid insert with the vector to effect recombination at homologous sites such that said negative selection element is disabled; and,

selecting for successful transformation based on the absence of a functional negative selection element.

REMARKS

The preambles to Claims 53 and 55 have been amended as set forth above. Claims 1-59 remain presented for examination. No new matter has been added by this amendment. Applicants wish to thank the Examiner for examination of the pending claims.

The specific changes to Claims 53 and 55 are shown on a separate set of pages attached hereto and entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this Amendment and Response to Restriction Requirement. On this set of pages, the insertions are double underlined and bolded while the [deletions are in brackets and bolded].

Provisional Election with Traverse

In response to the Restriction Requirement, Applicants hereby provisionally elect to prosecute the invention set forth in Group I, Claims 1-52 and 60-66, in this application. This provisional election is made with traverse. In the event that the Patent Office maintains the